

from time to time be enacted by the General Assembly of the State of Iowa.

SEC. 4. So much of section three of chapter one 1864, ch. 108. hundred and eight, of the laws of the Tenth General Assembly, and of other laws and provisions relating thereto, including section five of said chapter, as requires the lands hereinbefore referred to, or any part thereof, to be classified or graded by commissioners, and all other acts and parts of acts inconsistent with this act, are hereby repealed. Law for grading lands by commissioners repealed.

SEC. 5. This act shall be in force and have effect from and after its publication in the State Register and Evening Statesman, papers published in Des Moines, Iowa. Taking effect.

Approved March 31, 1868.

I hereby certify that the foregoing act was published in *The Iowa Evening Statesman* April 1, 1868, and in the *Daily State Register* April 2, 1868.

ED WRIGHT, *Secretary of State.*

## CHAPTER 58.

### LANDS GRANTED TO THE M'GREGOR & SIOUX CITY RAILWAY COMPANY.

AN ACT Making a Grant of Land to the McGregor & Sioux City Railway Company, or, in Case of their Failure to accept the same, to the Forty - Third Parallel Company, and to Execute the Trust conferred by Act of Congress entitled "An Act for a Grant of Land to the State of Iowa, in Alternate Sections, to aid in the Construction of a Railroad in said State," approved May 12, 1864. MARCH 31.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That all the lands, rights, and privileges that are granted to the State of Iowa by an act of Congress, approved May 12, 1864, for the purpose of aiding in the construction of a railroad from a point at or near the foot of Main street, South McGregor, in said State, in a westerly direction, by the most practicable route, at or near the forty - third parallel of north latitude, until it shall intersect the proposed railroad running from Sioux City to the Minnesota State line, in the county of O'Brien, in said State of Iowa, are hereby granted and conferred to and upon Land-grant for R. R. from McGregor to O'Brien co. given to McG. & S. C. Railway Co.

the McGregor & Sioux City Railway Company, a corporation organized under the laws of the State of Iowa: *Provided*, Said railroad company accepting the provisions of this act shall at all times be subject to such rules, regulations, and rates of tariff for the transportation of freights and passengers, as may from time to time be enacted and provided for by the General Assembly of the State of Iowa, and further subject to the conditions, limitations, restrictions, and provisions contained in this act, and in the acts of Congress granting said lands to the State of Iowa.

**Conditions.** SEC. 2. This grant is made upon the express condition that said railway company shall have constructed and in running order a line of railway as required by the provisions of the act of Congress making said grant to the State, and of this act, upon the most practicable route, on or as near as practicable to the forty-third parallel of north latitude, running within one mile of New Hampton, in Chickasaw county, and running from thence by way of, and within one mile of, St. Charles City, Mason City, and Algona, until it shall intersect, in the county of O'Brien, in this State, the proposed railroad running from Sioux City to the Minnesota State line.

**Route.**

**Points.**

**Terminus.**

**Further conditions.** SEC. 3. This grant is conferred on the McGregor & Sioux City Railway Company on the further express conditions that in case said company shall fail to have its railway built and completed in good running order as far west as to Chickasaw, in range fourteen, in Chickasaw county, by the first day of September, 1869; or in case said company shall fail to build and complete in good running order at least twenty miles in addition in each and every year thereafter, and the whole of said road by the first day of December, 1875; then, and in case of any such failure, or on failure to comply with any of the conditions of this act, the State of Iowa may at any time resume all rights conferred by this act, and resume all rights to the lands hereby granted, and which may remain undisposed of to said company on account of road actually built in compliance with the terms of this act; *provided*, that if in any one year more road shall be built than is required by this act, it shall be regarded and treated as road built in the next succeeding year or years.

**Road to Chickasaw, Sept. 1869.**

**20 miles a year.**

**Whole road in 1875.**

**State may resume.**

**Proviso.**

**Construction.** SEC. 4. This railway shall be constructed upon the usual gauge of other first-class railroads in this State, and shall be constructed and finished in a style and of

**Gauge.**

a quality equal to the average of other first-class western railroads.

Sec. 5. The said company shall be entitled to the benefit of the selections of land already made under the grant to the State of Iowa, of lands to aid in the construction of a railroad from McGregor westward on or near the forty-third parallel, approved May 12th, 1864; and the line located under said grant shall be binding only so far as applicable to said selections.

Co. to have benefit of selections already made.

Sec. 6. It is hereby made the duty of the Governor when ten consecutive miles of railroad has been built in accordance with the provisions of this act, to certify that fact to the Secretary of the Interior, and so on for each consecutive ten miles thereof, as the same shall be completed, and whenever the said McGregor and Sioux City Railway Company shall have completed in good running order, according to the provisions of this act, its railway to a point within one mile of St. Charles City, in Floyd county, it shall be the duty of the Governor of this State to cause patents to be issued to said railway company for one hundred and fifty sections of said land, and when the said railway company shall in like manner have completed its railway to the east line of range twenty-two, in Cerro Gordo county, then the said Governor shall cause patents to be issued to said railway company for one hundred and fifty sections of land; and when the said railway company shall in like manner have completed its railway to a point within one mile of Algona, in Kossuth county, then the Governor shall cause patents to be issued to said company for one hundred and fifty sections more of said lands; and when the said railway company shall in like manner have completed its railway to the Little Sioux river, then the said Governor shall cause patents to be issued to said company for all the balance of the lands granted for that purpose; *provided*, that the said railway company shall not convey or encumber any of said lands prior to the time it shall be entitled to patents therefor, as provided in this act; and this act shall not be so construed as to grant to said railway company, or any person or persons whomsoever, any of said lands for any railroad heretofore built.

Duty of Governor.

Certify building of road.

Patents to issue.

Same.

Same.

Proviso: co. not to encumber lands before issue of patents.

Sec. 7. All lands embraced in said grant which were entered prior to January 1, 1866, under the homestead laws of the United States, shall be patented by the Governor of this State to the parties by whom

Settlers under homestead laws before 1866 may purchase lands.

the same were so entered, or to their heirs or grantees, upon the payment by them into the State treasury, within two years from the passage of this act, of the price of such lands as homesteads under the laws of the United States; and the money so paid for such lands shall be held for and paid over to said railway company when such lands would have been earned by said company by the extension of said road as required in this act.

**Sec. 8.** It is further expressly provided that if said  
 If McG. & S. McGregor and Sioux City Railway Company shall fail  
 C. Co. do not or refuse to accept of this grant upon the conditions  
 accept, 43d hereby imposed, and in time and manner as herein  
 Parallel Co. required, the Forty-Third Parallel Railway Company  
 may. may accept the grant within sixty days thereafter, and  
 shall thereby become substituted to all the rights and  
 subject to all the conditions hereinbefore mentioned, to  
 the same extent as if said Forty-Third Parallel Rail-  
 way Company had been mentioned in this act in the  
 place of the McGregor and Sioux City Railroad[way]  
 Company, wherever the same occurs therein.

**Sec. 9.** The said McGregor and Sioux City Rail-  
 McG. & S. C. way Company shall assent to and accept the provisions  
 R. Co. must of this act by a written instrument under the seal of  
 accept in 30 such corporation, with the signatures of the proper offi-  
 days. cers, within sixty days after the passage of this act ;  
 which said acceptance shall be filed in the office of the  
 Secretary of State, and be by him recorded in the book  
 by him kept for the recording of articles of association.

**Further con-** And, as a further condition of this grant, and at the time  
**ditions.** of the acceptance hereinbefore required, and as a part  
 thereof, the said McGregor and Sioux City Railway  
 Company shall procure and file with the Secretary  
 of State, a full, absolute, legal, and effectual waiver,  
 release, and surrender of all claim, right, or interest,  
 or pretended claim, right, or interest of the McGregor  
 Co. must ob- Western Railroad[way] Company, its successors or  
 tain release of assigns, in or to any of the lands granted to this State  
 McG. W. Co. by act of Congress approved May 12th, A. D. 1864,  
 which claim, right, or interest arises out of or is on

**Proviso: ad-** account of any railroad already constructed : *provided,*  
**dition'l grant.** That if the Congress of the United States shall make  
 any additional grant of land to the State of Iowa, to  
 aid in the construction of a railroad from McGregor or  
 any intermediate point to a point in O'Brien county, and  
 the said McGregor and Sioux City Railway Company,  
 their successors or assigns, shall comply with all the  
 provisions of this act, and shall construct their railroad

to O'Brien county, in the manner and time as provided in this act, then this release shall not operate to deprive said last named company, their successors or assigns, of land in said contemplated additional grant for any railroad constructed on said line between McGregor and O'Brien county.

SEC. 10. This act, being deemed of immediate importance, shall take effect and be in force from and <sup>Taking effect.</sup> after its publication in the Daily State Register and Iowa Evening Statesman.

Approved March 31, 1868.

I hereby certify that the foregoing act was published in *The Iowa Evening Statesman* April 2, 1868, and in the *Daily State Register* April 3, 1868.

ED WRIGHT, *Secretary of State.*

## CHAPTER 59.

### REFORM SCHOOL ESTABLISHED.

MARCH 31.

AN ACT to Establish and Organize a State Reform School for Juvenile Offenders.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That a Reform School be established in this State for the reformation of such boys and girls, under the age of eighteen years, who may be committed to it as hereinafter provided. Reform Schl. established.

SEC. 2. There shall be a board of trustees whose name and style shall be the Board of Trustees of the Iowa Reform School, and shall consist of one person from each congressional district, who shall be appointed by the General Assembly, and shall be classified so that two trustees shall go out of office every two years, and for the purpose of determining such classification, the persons appointed trustees shall meet and determine by lot, in such manner as they may agree upon, the term each shall hold his office. A certificate of such classification, stating the term of office of each of said trustees, shall be signed by the persons so appointed as trustees, and filed with the Secretary of State, and by him recorded. And thereafter the General Assembly, at every regular session, shall appoint two persons as Bd. trustees appointed by Gen. Assembly. Classification of do. Term of of- fice.